

REMARKS

A total of 116 claims remain in the present application. The foregoing amendments are presented in response to the Office Action mailed June 26, 2007, wherefore reconsideration of this application is requested.

Referring now to the text of the Office Action:

- claims 1, 10, 26, 41, 51, 67, 82, 85, 92, 122 and 123 stand rejected under 35 U.S.C. § 102(e), as being unpatentable over the teaching of United States Patent No. 6,125,117 (Martin et al.);
- claims 4, 5, 8, 9, 24, 25, 28, 29, 45, 46, 49, 50, 65, 66, 69, 70, 86, 87, 90, 91, 106, 107, 109 and 110 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the teaching of Martin et al in view of United States Patent No. 7,136,377 (Tweedly et al);
- claims 6, 47 and 88 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the teaching of Martin et al in view of Tweedly et al, and further in view of United States Patent No. 6,477,164 (Vargo et al.);
- claims 11-18, 20-23, 34-39, 52-59, 61-64, 75-80, 93-100, 102-105 and 115-120 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the teaching of Martin et al in view of United States Patent No. 6,259,691 (Naudus);
- claims 27, 68 and 108 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the teaching of Martin et al;
- claims 30, 31, 71, 72, 111, and 112 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the teaching of Martin et al in view of Tweedly et al, and further in view of United States Patent No. 6,606, 306 (Lin et al);
- claims 32, 33, 73, 74, 113 and 114 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the teaching of Martin et al in view of United States Patent No. 6,452,950 (Ohlsson et al.);

- claims 40, 81 and 121 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the teaching of Martin et al in view of Naudus, and further in view of Tweedly et al.; and
- claims 7, 48 and 89 stand objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As an initial matter, Applicant appreciates the Examiner's indication of allowable subject matter in claims 7, 48 and 89. The Examiners claim rejections under 35 U.S.C. § 102(b) and 103(a) are believed to be traversed by the above-noted claim amendments.

***Rejections under 35 U.S.C. § 102(e)***

The present invention provides methods and systems for trunking legacy data services though a broadband packet network. Thus, as defined in claim 1, payload data is accumulated at an ingress gateway. The accumulated payload data is encapsulated within a container, which is then encapsulated within a PDU of the packet network, which is then forwarded to an egress gateway. In accordance with the present invention, the addressing and forwarding of PDUs to the egress gateway is performed entirely without reference to (that is, “irrespective of”) routing information contained in the data stream.

United States Patent No. 6,125,117 (Martin et al.) teaches methods and systems for routing local telephone calls between local switching offices via ATM permanent virtual circuits mapped between respective ATM switches connected to each of the local switches. According to Martin:

“At the heart of this network is an asynchronous transfer mode (ATM) switch. However, unlike conventional ATM switches, this ATM switch is configured so that there are permanent virtual circuits (PVCs) connecting switching offices connected to it. Thus, the ATM switch is serving as a conduit for large amounts of data (including packetized voice) between local telephone switching systems while not having to take the time to set up each connection individually.

In this configuration, a table is kept in each switching system to determine a destination for a particular phone call. A trunk group member number and circuit identification code (CIC) is selected to route the call from the originating switch to the terminating switch, as in prior practice (i.e., CCS7 signalling). [Col. 1, line 63 – col. 2, line 10]

Importantly, the CIC code is inserted into the payload of each ATM cell so that the receiving SAC can route and reassemble the samples. [Col. 3, lines 48-50]

Based on the foregoing, the person of ordinary skill in the art, will recognise that the system of Martin selects a CIC in a conventional manner, and then inserts the CIC into each ATM packet to enable proper routing and reassembly of samples encapsulated within the ATM packets. However, the person of ordinary skill in the art will also recognise that the CIC is selected based on the routing information of the samples – which in the system of Martin would necessarily be represented by the call destination address conveyed by the CCS7 signalling used to set up the call. Since this information is used by Martin “so that the receiving SAC can route and reassemble the samples”, it follows that the ATM packets are not forwarded through the ATM network “irrespective of routing information contained within the data stream”, as required by the present invention. Rather, the system of Martin is dependent on the routing information to select an appropriate CIC, which is essential to enabling the SAC to route and reassemble the samples forming any one local call.

In light of the foregoing, it is submitted that Martin et al. fails to teach all of the limitations of claims 1, 10, 26, 41, 51, 67, 82, 85, 92, 122 and 123, and so cannot anticipate any of these claims. Accordingly, reconsideration and withdrawal of the Examiners rejection under 35 U.S.C. § 102(e) is believed to be in order, and such action is courteously requested.

***Rejections under 35 U.S.C. § 103(a)***

As noted above, United States Patent No. 6,125,117 (Martin et al.) fails to teach all of the limitations of the present claims. None of the other known references provide the missing teaching.

United States Patent No. 7,136,377 (Tweedly et al) teaches a method and system for routing packetized voice “and similar isosynchronous data” within a wide-area network.

According to Tweedly et al, bandwidth can be reduced by conveying datagramms through predefined tunnels using a compressed header format. However, even with this arrangement, the proper routing of datagramms is dependent on routing information of the voice or isosynchronous data being conveyed through the network.

United States Patents Nos. 6,477,164 (Vargo et al.) and 6,259,691 (Naudus) teach methods and systems for supporting telephony over an Internet Protocol (IP) network. In each case, the IP packets being used to encapsulate and convey the telephony signals through the IP network are necessarily forwarded based on the routing information of the telephony signals.

In light of the foregoing, it is believed that the present invention is clearly distinguishable over the teaching of the cited references, taking alone or in any combination. Thus it is believed that the present application is now in condition for allowance, and early action in that respect is courteously solicited.

If any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this response, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 19-5113.

Respectfully submitted,  
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